United Nations CMW/C/SR.343

# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
11 April 2017

Original: English

**Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**
**Twenty-sixth session**

**Summary record (partial)* of the 343rd meeting**
Held at the Palais Wilson, Geneva, on Monday, 3 April 2017, at 3 p.m.

*Chair:* Mr. Brillantes

## Contents

Consideration of reports submitted by States parties under article 73 of the Convention

*Initial report of Bangladesh*

* No summary record was prepared for the rest of the meeting.

This record is subject to corrections. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.17-05453 (E) 100417 110417

*1705453*

Please recycle

*The discussion covered in the summary record began at 3.25 p.m.*

**Consideration of reports submitted by States parties under article 73 of the Convention**

*Initial report of Bangladesh* (CMW/C/BGD/1; CMW/C/BGD/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Bangladesh took places at the Committee table.*

2. **Mr. Islam** (Bangladesh), introducing his country's initial report (CMW/C/BGD/1), said that Bangladesh was a major source country for migrant workers and that, by generating foreign income and creating job opportunities abroad for millions of Bangladeshis, migration was promoting growth and development in Bangladesh. His country's commitment to promoting and protecting the human rights of migrant workers was reflected in its ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2011. It was important to note that undocumented nationals of Myanmar were not considered to be migrant workers in Bangladesh and were therefore not covered by the Convention.

3. Even though, at the time of ratification, many of the rights set forth in the Convention had already been enshrined in the Constitution, within a few years thereafter, the parliament had enacted laws to incorporate other major provisions of the Convention into domestic law. Such laws included anti-human trafficking legislation in 2012; the Overseas Employment and Migrants Act of 2013, which provided for the establishment of a safe and fair system of migration and the penalization of unscrupulous recruitment practices; and the Children's Act of 2013, which provided for the protection of children from potential exploitation, such as early marriage and hazardous work. It was noteworthy that child labour had fallen by 50 per cent in the period 2003-2010.

4. Other legislative initiatives relating to migrant workers included a new immigration bill, a bill regulating labour in the export processing zones and a wage earners' welfare board bill. In addition, various sets of rules were being formulated, notably the Recruitment Agencies Licence, Conduct and Classification Rules and the Migrant Workers Registration Rules. The Government had framed and instituted a number of relevant policies, among them the National Women's Development Policy, the National Skills Development Policy, the Domestic Workers' Protection Policy and, most recently, the Expatriates' Welfare and Overseas Employment Policy. It had also drafted an action plan for achieving the Sustainable Development Goals that related to migration.

5. The Government of Bangladesh, which had already ratified seven of the eight fundamental conventions of the International Labour Organization (ILO), was in the process of strengthening its institutions in preparation for the implementation of other international instruments relevant to migrant workers. The Ministry of Expatriates' Welfare and Overseas Employment, which was the main regulatory body for international migration and the implementation of the Convention, had received an increased budgetary allocation of US$ 32 million for the financial year 2016/17. That amount was due to increase to US$ 100 million for the financial year 2019/20.

6. Support for migrant workers was available through a number of different channels, such as the Bureau of Manpower, Employment and Training, which had provided skills training to more than half a million aspiring migrant workers in 2016; the network of Bangladeshi missions abroad; and the Vigilance Task Force, which had been set up to monitor recruitment processes and which had conducted 12 different operations that same year. Also in 2016, labour attachés had inspected more than 2,000 workplaces in 27 countries to verify the provisions of employment contracts and had visited places of accommodation and detention centres in those countries. Moreover, the Wage Earners' Welfare Board provided financial assistance to thousands of migrant workers and scholarships to their children.

7. One significant difficulty in ensuring protection for Bangladeshi migrant workers abroad lay in the fact that many of the destination countries to which they migrated had not ratified the Convention. The Government was continuously urging those States to take

action in that regard, while seeking at the same time to conclude bilateral agreements with them for the purpose of protecting migrant workers.

8. In addition to all its other efforts, the Government was also taking action to address the issue of migration at the global level. Bangladesh had hosted the most recent conference of the Global Forum on Migration and Development and had played an instrumental role in the high-level plenary meeting on addressing large movements of refugees and migrants, which had been organized by the United Nations General Assembly on 19 September 2016. Bangladesh was working actively with other States Members of the United Nations towards the adoption of a global compact for safe, orderly and regular migration. The Government had also facilitated a visit from the Special Rapporteur on violence against women, its causes and consequences, whose conclusions and recommendations had important implications for the rights of Bangladeshi female migrant workers.

9. **Ms. Dzumhur** (Country Rapporteur) said that the Committee recognized the problems facing the Government in its efforts to protect migrant workers — particularly those that stemmed from the fact that many countries of destination of Bangladeshi workers had not ratified the Convention — and she applauded the legislative measures that the Government was taking in that regard. She would be interested to know how many migrant workers were employed in Bangladesh and why such professionals as doctors and engineers were not recognized as migrant workers.

10. The Committee had received reports that more than 23,000 migrant workers from Bangladesh were being held in detention around the world, and she wished to know what steps were being taken to reduce that number. The delegation should explain why Bangladesh had not yet ratified the following ILO Conventions: the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181) and the Domestic Workers Convention, 2011 (No. 189) and whether it had plans to ratify the 1951 Convention relating to the Status of Refugees and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). She wondered how international standards could be applied in the State party when they had not been incorporated into its domestic legislation. She was concerned that no new by-laws had been introduced for the 2013 Overseas Employment and Migrants Act, which was apparently being implemented with by-laws designed for earlier legislation.

11. **Mr. Kariyawasam** (Country Rapporteur) said that the fact that the Bangladeshi delegation was led by a minister was an encouraging sign of the Government's commitment to protecting migrant workers. It was unfortunate, however, that the delegation included no women. He wondered whether care was taken to maintain enough female officers in Bangladeshi missions abroad to ensure that the needs of female migrant workers were adequately understood and addressed. In that regard, he would appreciate more detailed information about the number and gender of labour attachés in Bangladeshi missions and whether and how they were trained before being posted. More generally, he requested statistics on the number of female migrant workers from Bangladesh who worked abroad.

12. Misconduct by recruitment agencies could cause a great deal of suffering to migrant workers. The Committee had heard that, in some cases, Bangladeshis wishing to work in Singapore had had to pay up to four years' salary as a recruitment fee. If that was true, that practice was tantamount to bonded labour. He wished to know what procedures were in place to monitor the activities of recruitment agencies, penalize establishments that engaged in unlawful practices and enable migrant workers to submit complaints to the authorities regarding such practices. Was it true that prospective migrant workers had to go through 27 levels of approval at the Bureau of Manpower, Employment and Training?

13. He had been gratified to learn of the existence of the National Human Rights Commission and asked what financial resources the Government provided to ensure that the Commission operated in accordance with the Paris Principles and adopted a rights-based approach to issues affecting migrant workers, particularly in view of the fact that workers' remittances were one of the country's chief sources of foreign revenue.

14. He wished to commend the State party for its efforts to conclude bilateral agreements with labour-receiving countries, and he wished to know whether civil society organizations and other stakeholders were involved in drafting such agreements. He enquired as to whether efforts were made to introduce the provisions of the Convention into the process of negotiating the bilateral agreements, even if a labour-receiving country was not itself a party to the Convention, and whether the contents of such agreements were made public. The Committee was concerned about the status of undocumented nationals of Myanmar in Bangladesh and wished to know how they were treated in the State party. Were safeguards in place to prevent them from being trafficked, and were there contacts with the Government of Myanmar to ensure their welfare? In that context, the Committee would encourage Bangladesh to sign the 1951 Convention relating to the Status of Refugees.

15. **Ms. Ladjel** said that she would like to hear more details about strategies to improve the welfare of migrant workers. She wished to know how the network of 71 Bangladeshi missions abroad provided specific support for female migrant workers and child migrants who were often victims of rights violations that included the confiscation of documents, economic exploitation, ill-treatment and violence.

16. **Mr. El-Borai** said that, since undocumented nationals of Myanmar who were living in Bangladesh were not considered to be migrant workers, he would be interested to know whether they enjoyed the same legal rights as Bangladeshis in such areas as working conditions, equal pay and access to social security and whether their children had the same access to State education as other children in Bangladesh. He wished to know whether Bangladesh had concluded bilateral agreements with labour-receiving countries that operated the *kafalah* (individual sponsorship) system and, if that was the case, whether those agreements regulated the use of that system.

17. **Mr. Tall** said that the delegation should provide more information about the difficulties that had been faced in drafting the initial report, particularly those that had led to its late submission. It would be interesting to know how civil society organizations had participated in the drafting process, whether their views had been taken into account and how the opinions of Bangladeshi nationals abroad had been canvassed for inclusion. Could the delegation tell the Committee when the immigration bill was likely to be adopted into law?

18. He wondered what specific efforts were being made to conclude agreements and memorandums of understanding to protect migrant workers, particularly female domestic workers, in the three countries which alone received 80 per cent of all Bangladeshi migrant workers: Saudi Arabia, the United Arab Emirates and Malaysia. What role did Bangladeshi missions abroad have when migrant workers suffered a violation of their rights and sought access to justice? He wished to know whether there were mechanisms in place to enable Bangladeshi migrant workers living abroad to vote in national elections. The fact that they were concentrated in large numbers in a limited number of countries should facilitate the development of such a mechanism.

19. He was concerned by the fact that, according to the report of the State party, 39 per cent of migrant workers found employment overseas through private recruitment agencies, while only 1 per cent went through the government agency, the Bangladesh Overseas Employment and Services Ltd. Private agencies were profit-making enterprises and always charged for their services, sometimes at great cost to the migrants, and he wondered if any measures were being taken to reverse that trend in favour of the State-run body.

20. **Mr. Ünver** said that it would be interesting to hear whether the Government had developed any policies regarding Bangladeshi transnational communities, particularly since, in many of the countries in which they worked, Bangladeshi migrant workers were not allowed to establish associations of their own. Did such policies also address the issues that migrant workers might face when they returned home? Remittances from migrant workers, which made an important contribution to the Bangladeshi economy, were mostly used for the daily household expenses of migrants' families, and he wondered whether the Government had any plans to channel that revenue into large-scale development programmes.

21. **Ms. Dicko** said that further details about how recruitment agencies were regulated and which national institution was in charge of monitoring their activities would be helpful. Were migrant workers able to respond to direct offers of employment from abroad, or did everything have to go through the recruitment agencies? In view of the violations by Myanmar of ILO conventions concerning forced labour and the use of child soldiers, she was particularly concerned about the status of undocumented nationals of Myanmar in Bangladesh. Even if they were not considered migrant workers, there was no question but that they were refugees, and she would appreciate more information about how they were treated.

22. She wished to know if there was a mechanism to facilitate the transfer of remittances to Bangladesh from the country's migrant workers abroad. Did law enforcement officers, lawyers and judicial officials, as well as migrant workers themselves, receive training in their duties and rights under the Convention? Were all Bangladeshi migrant workers adults or were some of them children?

23. **Ms. Castellanos Delgado** said that it would be interesting to know how many Bangladeshi women were employed abroad, how many had taken their children with them and what the return migration rate was among women. She would appreciate statistics on the number of children who had left Bangladesh for the purpose of family reunification and on the support provided by the Government for the repatriation of the bodies of Bangladeshi nationals who had died abroad.

24. **Mr. Kariyawasam** said that he wished to congratulate the Government on the adoption of the Overseas Employment and Migrants Act of 2013, which manifested the State party's commitment to promoting the welfare of migrant workers. He wished to know how many complaints had been filed under the Act, including those submitted online; what follow-up had been given to those complaints; and what mechanism was in place for handling them. The delegation should explain what legal assistance and redress had been provided to complainants and indicate whether the mobile courts mentioned in paragraph 35 of the replies to the list of issues (CMW/C/BGD/Q/1/Add.1) were in operation. With regard to remittances, he asked what steps had been taken to enable Bangladeshis who lived outside the major cities to receive money transfers from their relatives employed overseas, without having to go through an intermediary, which was costly and opened the door to corruption.

25. **Mr. Tall** asked whether the rule whereby no one could leave Bangladesh for overseas employment without first obtaining clearance from the Bureau of Manpower, Employment and Training was effective in monitoring migration, or whether it encouraged clandestine behaviour and corrupt border practices.

26. **The Chair** asked whether a programme had been developed to facilitate the economic, social and cultural reintegration of returning migrant workers.

*The meeting was suspended at 4.40 p.m. and resumed at 5.05 p.m.*

27. **Mr. Haque** (Bangladesh) said that the Constitution, which had been signed into law by the father of the nation, Sheikh Mujibur Rahman, on 16 December 1972, embodied the provisions of the Universal Declaration of Human Rights and guaranteed respect for the rule of law. All persons in Bangladesh were entitled to equality before the law and to equal opportunities without discrimination. Anyone who believed that their rights had been violated could seek justice before the courts. There were currently some 32,000 refugees from Myanmar living in two refugee camps in Bangladesh. Measures had been taken to collect disaggregated data on those individuals, who could in no way be viewed as migrant workers, according to the way of that term that was defined in the Convention.

28. **Mr. Ahmed** (Bangladesh) said that the Secretary of the Ministry of Expatriates' Welfare and Overseas Employment was a woman, but she had not been included in the delegation because the Minister himself was heading the delegation. The representatives of civil society organizations had been consulted on many occasions during the preparation of both the initial report and the replies to the list of issues. Although it was a net exporter of migrant labour, Bangladesh hosted around 22,000 foreign professionals, whose working conditions were governed by the Labour Act of 2006. The provisions of the Prevention and

Suppression of Human Trafficking Act of 2012 reflected those of the Palermo Protocol. Although the Government was not in a position to make the declarations provided for under articles 76 and 77 of the Convention, it urged labour-receiving countries to do so.

29. In accordance with the National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals of 2013, the camps accommodating refugees from Myanmar were run by the Office of the United Nations High Commissioner for Refugees. Humanitarian support was provided by, among others, the United Nations Population Fund, the World Food Programme, the United Nations Children's Fund and local non-governmental organizations with experience in matters relating to refugees. Refugees from Myanmar had access to education and health care, but were not granted all the same rights and privileges as Bangladeshi citizens.

30. Of the 45 labour attachés employed in the 28 labour wings of the Bangladeshi missions located in 25 countries around the world, 39 were men and 6 were women. The labour wings in nine of those countries had helped to repatriate a total of 23,488 migrant workers. In addition to providing regular consular services, the missions offered legal assistance in relation to salaries and benefits and worked to secure the release of detained Bangladeshis. An average of 3,500 bodies of deceased Bangladeshi nationals were repatriated each year, for which purpose the sum of 300,000 taka per body was withdrawn from the Wage Earners' Welfare Fund.

31. Labour attachés also conducted workplace inspections and took follow-up action when appropriate; every two years, they were required to complete an intensive five-day training course. Officials selected for overseas assignments generally underwent at least two months' training prior to being posted.

32. **Mr. Chowdhury** (Bangladesh) said that Bangladesh had been a member State of the International Labour Organization (ILO) since 1972 and had ratified seven of the eight fundamental ILO conventions. Before it could ratify a number of other conventions, including the ILO Domestic Workers Convention, 2011 (No. 189), the Government had to bring the nation's domestic legislation into line with those instruments and strengthen mechanisms for their implementation and monitoring.

33. The Government had signed a Decent Work Country Programme agreement with ILO and, on 21 December 2015, had adopted the Domestic Workers' Protection and Welfare Policy, which served as a framework for the protection of domestic workers, the overwhelming majority of whom were women and girls. The Policy called for the registration of domestic workers, set their minimum wage, provided for improvements in their living and working conditions and promoted compliance with regulations on maximum working hours.

34. Significant efforts had been made to strengthen the capacity of the Bangladesh labour inspectorate. In recent years, the number of the inspectorate's staff members had more than trebled, to 993. Nevertheless, given the socioeconomic situation of the country, it would take time to create the conditions necessary for the ratification of additional ILO conventions.

35. **Mr. Hossain** (Bangladesh) said that, through the implementation of the Overseas Employment and Migrants Act of 2013, the Government had been able to put a ceiling on migration costs. Recruitment agents who charged excessive fees were liable to punishment under section 31 of the Act; 16 cases relating to such agents were currently pending before the courts. An interministerial task force had been set up to monitor the implementation of the Act, and mobile courts were in operation.

36. Migration costs were gradually being reduced through a process of disintermediation. The Government had established a database of prospective migrant workers from which ideally, employers would recruit directly in the future. Moreover, a campaign had been launched to raise awareness of migrants' rights, and special arrangements had been made with some companies in Oman, Qatar, Saudi Arabia and the United Arab Emirates for the recruitment of Bangladeshi workers that did not involve any migration costs to the worker. Workers did, however, continue to face hidden costs in destination countries; it was

therefore important to increase cooperation with those countries in order to mitigate such costs.

37. Citizens working overseas could file complaints with the Ministry of Expatriates' Welfare and Overseas Employment, the relevant Bangladeshi mission abroad or the Bureau of Manpower, Employment and Training. Currently, the online complaints system was undergoing software updates. Complainants could choose to settle disputes through arbitration. Over the previous five years, the Bureau had received 1,412 complaints, which had resulted in the imposition of fines totalling some 49 million taka.

38. Probashi Kallyan Bank, a specialized financial institution, had been founded to provide loans and other financial facilities and services to migrant workers and members of their families. In addition, the capacity of the Ministry of Labour and Employment had been boosted through the creation of new departments and technical training centres, of which there were currently 70, with 40 more in the pipeline. The Wage Earners' Welfare Board had been established to provide dedicated services to migrant workers, including legal and repatriation assistance, and extra officials had been hired in the labour wings of Bangladeshi missions abroad.

39. The number of Bangladeshi women employed abroad stood at 593,000; of that number, 1,142 were living in Singapore. Women who intended to take up work overseas were required to enrol on a highly structured 30-day training course. In order to obtain migration clearance from the Bureau of Manpower, Employment and Training, prospective migrant workers had to register, which they could do even at the village level, and have their details added to the database of migration applicants. Thereafter, they were requested to provide fingerprints and to apply for a visa. Finally, they were required to undergo compulsory, country-specific pre-departure training. Following the completion of that training, they were asked to submit all the necessary documentation to the Bureau for its approval, which was typically granted within 24 hours. Successful applicants were given a smart card that contained pertinent information about them and their future employer.

40. **Mr. Ahmed** (Bangladesh) said that the bilateral agreements and memorandums of understanding signed by the Ministry of Expatriates' Welfare and Overseas Employment had not yet been made public but that proactive disclosure guidelines had been drawn up with a view to doing so in the near future. The Ministry had concluded memorandums of understanding with Jordan, Qatar, Saudi Arabia, the United Arab Emirates and Hong Kong SAR. A separate agreement had been reached with Saudi Arabia concerning women domestic workers. In more recent bilateral agreements, an effort had been made to promote the objectives of the Convention.

41. Shelters had been opened in several destination countries for women domestic workers, who had access to prompt legal services and psychological counselling. Consular officials were well aware of the delicate situation in which such women sometimes found themselves. A lack of legal protection in some destination countries exposed migrant workers to the risk of torture or other ill-treatment, although progress had been made in recent years, including in Qatar with regard to the *kafalah* system.

42. **Mr. Haque** (Bangladesh) said that the National Human Rights Commission was an independent body that was authorized to receive and handle complaints of rights violations. The Government was committed to boosting the human and financial resources available to the Commission, which had recently opened two regional offices in Khulna and Rangamati.

43. The Ministry of Law, Justice and Parliamentary Affairs vetted all bilateral agreements and memorandums of understanding, which were legally binding on the parties. The process of drafting delegated legislation took time, as it required considerable care and attention. The immigration bill was still under consideration by the Ministry of Home Affairs.

44. **Mr. Ahmed** (Bangladesh) said that Bangladesh received close to US$ 15 billion in remittances each year. A total of 1,088 drawing arrangements had been finalized between Bangladeshi banks and foreign exchange houses to simplify and expedite the flow and distribution of remittances. In addition, there were 34 Bangladeshi exchange houses or bank branches in destination countries, and the time limit for transferring remittances had been

reduced from 72 hours to two working days. The average cost of sending remittances to Bangladesh was 3.5 per cent of the amount to be transferred. The delay in submitting the initial report was attributable to the serious political unrest that had taken place in Bangladesh between 2012 and 2013.

45. **Mr. Haque** (Bangladesh) said that Bangladeshi migrant workers over the age of 18 years enjoyed the same civil and political rights as all citizens in Bangladesh, including the right to vote.

46. **Mr. Kariyawasam** said that he wished to know what steps had been taken to monitor the activities of recruitment agencies and labour brokers; whether brokers were required to register with recruitment agencies; and whether unannounced inspections were conducted to ensure that agencies complied with the rules laid down by the Government. The delegation should explain whether and how agencies and brokers were held accountable for failing to provide prospective migrant workers with the correct documentation; indicate how many cases had been filed on those grounds; and specify what their outcome had been. Could returning migrant workers bring cases against agencies or brokers, and, if so, how were those cases handled?

47. With regard to arbitration, he asked whether specific rules had been formulated and published, how settlements were reached and whether aggrieved parties were generally satisfied with the outcome. Lastly, he would appreciate information on any measures that the Government had adopted under the Prevention and Suppression of Human Trafficking Act of 2012. In particular, it would be helpful to know whether special anti-trafficking tribunals had been set up and, if not, when action to do so would be undertaken.

*The meeting rose at 6 p.m.*